

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE MICROSOFT CORP.
ANTITRUST LITIGATION.

MDL Docket No. 1332

Hon. J. Frederick Motz

This Document relates to:

*Burst.com, Inc. v.
Microsoft Corp.,*

Civil Action No JFM-02-cv-2952

[PROPOSED] ORDER GRANTING MOTION TO COMPEL

Burst.com, Inc.'s Third Motion to Compel Microsoft to Provide Basic Discovery Concerning Its E-mail Destruction is GRANTED. It is FURTHER ORDERED:

1. Within fifteen days of the entry of this order, Microsoft shall produce a witness to testify, pursuant to F.R.C.P. §30(b)(6), to the matters specified in this Court's order dated March 12, 2004. The witness shall be properly prepared to answer each question. Such preparation will include persons and documents that may contain relevant information, including the persons and documents identified in Burst's motion.
2. If Microsoft is unable to answer the questions specified in the March 12 Order, it will be prohibited from offering to the jury any explanation for its e-mail destruction policies and resulting e-mail gaps.

SO ORDERED this ____ day of _____, 2004.

J. Frederick Motz
U.S. District Judge, District of Maryland